

interviews with the pilots, cabin crew, air traffic controllers and passengers, and meetings with the manufacturers of both the airplane and its engines.

Mr. Benzon has also been a strong advocate for the collection of more in-flight data points from flight recorder black boxes, which he believes is critical to understanding what exactly may have gone wrong during a flight. His efforts have led to a significant increase in data: from less than 10 data points collected in-flight to over 1,000.

In an interview, Mr. Benzon said, “[My work] is a way of giving back—I get a good feeling after every one of these investigations is over. It’s service to the country.”

It is this sentiment that inspires me to highlight great Federal employees on the Senate floor. There are countless Federal employees who dedicate their lives to making the rest of our lives better and safer.

Each day we set foot on an airplane and arrive safely at our destination, we have Robert Benzon and his team to thank. I hope that my Senate colleagues will join me in honoring Robert Benzon and all those at the National Transportation Safety Board for their dedicated service and important contribution to our Nation’s aviation safety.

I know Senators share the regard for this Federal employee and the many others who make our country a better place. It is my hope that in the coming weeks we can come to some resolution so these Federal employees can know that for the balance of this fiscal year the Federal Government will stay in operation and that they can continue to do their work.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KIRK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOMALI PIRATES

Mr. KIRK. With the cold-blooded murder of four Americans by pirates, our country faces a dangerous enemy as old as the second Washington administration and the earliest days of the U.S. Navy.

This danger now stretches across our vital oil supply lanes and threatens not just Americans handing out Bibles at Indian Ocean ports of call but our vital supply of energy. I think it is time to recall the tough choices made by the Jefferson administration to suppress the 21st century’s pirates in this new chapter.

We may forget that as much as 10 percent of all Federal revenues were paid by the Washington administration to the Barbary pirates operating in

what became Libya. Payments continued under the Adams and Jefferson administrations, but as always with kidnappers and pirates, ransoms only led to more danger on the high seas.

In 1801, President Thomas Jefferson decided that payments of tribute to the Barbary States in exchange for the safe passage of American shipping vessels had gone far enough. Over the next 5 years, Jefferson sent the new U.S. Navy—ironically built over his objection—to attack and defeat the pirates. In the conflict that followed, new American heroes were made, especially Captain Stephen Decatur. Decatur’s exploits were dangerous and involved close quarters in combat. In his honor, my State of Illinois named one of its major cities after him, placing his statue in the city’s center.

In the end, piracy was defeated and the flag of the United States was not strongly challenged by pirates until this century.

In the wake of the murder of four Americans by Somali pirates, we need to recall Jefferson’s policy under what I would call the “Decatur Initiative” against Indian Ocean pirates.

Since 2006, pirates attacked more and more vessels. There were over 400 attacks just last year. According to the New York Times, the modern-day pirates of the 21st century currently hold 50 vessels and more than 800 hostages. According to the International Maritime Bureau, pirates murdered 379 people with an additional 199 individuals reported missing between 1993 and 2009.

According to reports, the typical pirate ransom in 2005 was between \$100,000 and \$200,000. By 2008, the average ransom grew to between \$500,000 and \$2 million. One year later, in 2009, the average ransom reportedly grew again to a range between \$1.5 million and \$3.5 million. In late 2010, ransoms now hover around \$4 million per vessel. Ransom payments as large as \$9.5 million for a tanker carrying crude oil have also been reported by the media.

Recently, pirates captured a supertanker worth \$200 million carrying 2 million barrels of oil bound for the U.S. Its ransom may become the mother load for pirates to extend their reach across the Indian Ocean and into the Red Sea and Persian Gulf. We would be naive not to expect profits from piracy will not be used to support terrorism against the West.

The Horn of Africa is of crucial importance, not only to the U.S. economy, but also to the global market as it serves as a major artery of international shipping. The oil tankers that cruise these waters provide much of the world’s energy supply and we cannot risk the safety of those shipments. This region is a potential incubator for the growth of two burgeoning al Qaeda franchises: al Qaeda in the Islamic Magreb, AQIM, and Somalia’s al-Shabaab group, which has pledged its loyalty to Osama bin Laden.

Yesterday, I raised this issue with our Secretary of State, Hillary Clinton.

She hinted that our policy may be changing and that is welcome news. I asked, “if we can’t be tough on pirates, who can we be tough on?”

Today, I am announcing the start of an effort here in the Senate to draft legislation and support administration action along the lines of Jefferson’s policy on pirates.

These legislative concepts shall be collectively referred to as the “Decatur Initiative,” Decatur, whose most daring mission involved recapturing the U.S.S. *Philadelphia* from pirates.

The time has come for us to advance the following: 1. A defined “Pirate Exclusion Zone” that would allow the immediate boarding and/or sinking of any vessel from Somalia not approved and certified for sea by allied forces; 2. an expedited legal regime permitting trial and detention of pirates captured on the high seas; 3. a blockade of pirate-dominated ports like Hobyo, Somalia; 4. broad powers and authority to on-scene commanders to attack or arrest pirates once outside Somalia’s 12-mile territorial limit—this would include the summary sinking of pirate ships if a local commander deems it warranted.

Additionally, I will explore actions to attack the financial links between pirates and the terrorist groups such as al Shabaab and target pirates with financial sanctions in the same way as other terrorist networks.

In the wake of the recent tragedy in the Arabian Sea, where American missionaries were gunned down in cold blood, I am hopeful that many of my colleagues will be willing to join me in taking bold action against the pirates who have been operating in the waters off East Africa. It is ironic that the United States and our allies station substantial naval forces against pirates in this region but take little aggressive action against them. While the pirates have substantial strength on the ground in Somalia, once they’re put to sea, we can be their masters and they have very weak means to oppose us. A set of vessels blockading pirate-dominated ports with aggressive orders to attack and sink any vessel leaving Somalia should make quick work of pirate operations.

The cost of oil and the price of gas is high enough. Further increases could endanger our slowly recovering economy. As part of the effort to stabilize the price of gas in America, we need to recover Jefferson’s policy and attack and defeat Somali pirates as soon as they leave Somalia’s territorial waters.

In addition, as this body begins to finalize spending legislation for the remainder of the year, I would like to highlight the growing danger to the U.S. economy and our country.

We all know that the national debt now tops \$14 trillion but we should note that this means we are adding \$35 billion to our debts each week or over \$5 billion borrowed each day.

That \$4 billion cut represents just .3 percent of this year’s annual deficit or just three one-hundredths of 1 percent

of the current money we owe. The famous Harvard economic historian Niall Ferguson said you can mark the decline of a country when it pays more money to its lenders than to its army. We have already crossed that point. This year the Congressional Budget Office estimates that interest payments we will pay to our money lenders will top \$225 billion. That is more than the cost of our Army, which we currently estimate costs about \$195 billion, or our Air Force, which we estimate costs \$201 billion, or even our Navy, which will cost \$217 billion this year.

Our money lender costs now are higher than the entire gross domestic product of the country of Denmark, at \$201 billion. We must pay \$4 billion per week in interest or \$616 million per day to our money lenders. What is worse, interest payments are expected to more than double over the next decade and will top \$778 billion. That means soon we will have to pay our money lenders more than it costs to operate our Army, Navy, and Air Force combined at \$623 billion.

Remember also that interest payments on the debt are a form of wealth transfer from hard-working middle-class Americans who pay Federal taxes to wealthy lenders, many of whom live abroad. For those in the Senate who are opposing budget constraints put in by the House, we should force them to admit that they are either for higher taxes for the American people or more borrowing that transfers wealth from hard-working middle-class Americans to high-income money lenders, most of whom now live abroad.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold his request?

Mr. KIRK. I withhold.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FIRST-TO-FILE PROVISIONS

Mr. KYL. Mr. President, I wish to speak on the pending business before the Senate. We are hoping in maybe 45 minutes or so we will actually be able to vote on the Feinstein amendment to the patent bill. I am hoping that my colleagues will vote against the Feinstein amendment and support the authors of the legislation.

I noted yesterday that every version of the patent bill from 2005 forward has included the primary, centerpiece reform of the bill, which is the so-called first-to-file system. It may seem strange, but it has not been the case before this bill that you have a patent's priority from when you file it; that is to say, the first person to file on the patent is the one who has the pat-

ent; that the patent dates to the day it is filed. That is what we do in law and virtually every other situation I can imagine.

Instead, what has been the law is called the first-to-invent system. One of the reasons the whole patent reform movement began 5 or 6 years ago was that this system is very costly and difficult to administer because it relies on a lot of legal discovery and legal process to resolve questions or disputes between who actually conceived of the idea first and then did they apply the necessary diligence to get it patented. As a result, every other industrialized country uses the first-to-file system. Most of the companies in the United States are obviously used to that system because of their patents that are worldwide in scope.

The fundamental reform of the patent legislation to simplify, to reduce costs, to reduce the potential for litigation was to conform our system to that of the rest of the world—the first-to-file system.

What the Feinstein amendment would do is to throw that over and say: No, we are going to go back to the concept of this first-to-conceive-of-the-idea or first-to-invent notion. Whether intended or not, that will kill the bill. It is a poison pill amendment because the whole concept of the legislation and everything that follows from it is based on this first-to-file reform.

As I will note a little bit later, the bill simply would not work otherwise. We would have to scrap it and start from scratch. In fact, most of the reforms that are in the bill would not exist because we would have to go back to that concept of first-to-invent. So all of the savings and simplified procedures would simply not be possible.

Unfortunately, I note that if my colleagues have any notion of supporting the Feinstein amendment, they should realize that were it to be adopted, it would kill the bill. I do not think that is what we want to do. There have been so many improvements made in the bill. So many groups—all three of the major groups that have been working on the legislation are in support of the legislation and oppose the Feinstein amendment because they want us to move forward. We have not had patent reform in many years. Everybody recognizes it is time.

First and foremost, the administration and the Patent Office itself support the legislation and oppose the Feinstein amendment. In fact, one of the good changes made by the bill from the Patent Office's point of view is that it will stop fee diversion. In the past, the fees that have been collected, the filing fees from the inventors, have not all gone to the Patent Office. They are woefully understaffed and underfunded in working through the tens and hundreds of thousands of patent applications that are filed every year.

As we can all appreciate, our competitiveness in the world depends, first, on the ability of our people to invent

and, second, to acquire the legal rights to those inventions so they have a property interest in them, and investors can then count on a return of their investment if they supply the capital for the invention to be brought to market.

What we are talking about is critical. I urge my colleagues who perhaps have not focused as much on this amendment and on the patent reform legislation to understand that we are talking about something very important, something that can create jobs, that is important to the competitiveness of our country.

The beauty is, unlike a lot of what we do around here, this is totally bipartisan. I am a Republican. The administration supports the legislation. It has Senator LEAHY's name on it as chairman of the Judiciary Committee. In the House, it is supported by Democrats and Republicans. It is important we move this legislation through.

As I said, unfortunately, the Feinstein amendment would result in having to scrap the bill. There is no point in enacting it if we are not going to include the change to first to file.

Let me be a little more specific. One of the reasons we would not be able to move forward with the bill is the bill's entire post-grant review process, which is a big part of the bill, would be impossible for the Patent Office to administer under the discovery-intensive invention date issues that arise under the first-to-invent system. That is because, as I said, under that system you come before the Patent Office and say: I realize nobody else had a record of this, but I actually thought of this idea way back in 1999. I have a couple of notes that I made to myself. I dated them. One can see that all of a sudden they are getting into a big discovery and legal process. That is what we are trying to get away from. The whole post-grant review process would be turned upside down if we went back to the first-to-invent principle.

Also, striking the first-to-file provisions would greatly increase the workload for the Patent and Trademark Office. What we are trying to do is simplify procedures so they can get their work done, get the patents approved so our businesses can better compete in the world, and also provide more money for them to do that job. That also would be jeopardized as a result of this amendment. We will just add backlogs and delays and not enable our Patent Office to do what we are asking it to do.

As I said, that is one of the reasons the Patent Office opposes the Feinstein amendment and supports the underlying legislation. It is interesting; many American companies already use first-to-file. It is the easiest, most direct way to confirm you have the patent. It is very hard to win a patent contest through what is called an interference proceeding if you were not the first to file, which, of course, is logical. And because all the other countries in